

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION NO.708 OF 1982

THE HON'BLE MR. JUSTICE Y.B. BHATT:

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1. Whether Reporters of Local Papers may be allowed to see the judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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Appearance:

Mr. S.N. Shelat, advocate for the petitioners.

Mr. B.J. Shelat, advocate for the respondents.

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CORAM: Y.B. BHATT J.

Date of Decision: 18-01-1996

JUDGEMENT

1. The petitioners herein are the original defendants-tenants, whereas the respondents are the original plaintiffs-landlords. The landlords had filed a suit against the defendants for a decree of possession of the suit premises on the ground inter alia that they required the premises

reasonably and bonafide for their personal requirement. The trial court had dismissed the suit of the landlords. The landlords, therefore, preferred an appeal under section 29(1) of the Bombay Rent Act, which was allowed by the appellate court by passing a decree of eviction against the defendantstenants.

2. The tenants have, therefore, preferred the present revision under section 29(2) of the said Act.

3. I have heard this matter completely and on merits, and have considered the submissions made by the counsel for the respective parties on the appreciation of the evidence on record, as dealt with both by the trial court as also by the lower appellate court.

4. As a result of the hearing I had expressed a tentative view that it is not possible for this court to interfere in the present revision under section 29(2) of the said Act in view of the decision of the Supreme Court in the case of Helper Girdharbhai (AIR 1987 SC 1782). In other words, merely because another view on the appreciation of evidence may just be possible, the same is not a sufficient justification for interfering with the findings of fact arrived at by the lower appellate court, so long as it is found that such findings are not patently opposed to the evidence on record, and so long as the conclusions arrived at by the lower appellate court are not shown to be such as could not be arrived at by any other reasonable and prudent person. Under the circumstances learned counsel for the petitioners requested that the petitioners be granted sufficient time to vacate the suit premises and in this context he suggested that two and half years time would be reasonable.

5. Having applied my mind to the particular facts and circumstances of the case, I am of the opinion that this is a reasonable request. Learned counsel for the respondent is unable to contest this position. Accordingly the petitioners-original tenants are granted time upto 18th July 1998 to vacate the suit premises, on condition that an undertaking on usual terms is filed in this court through an authorised officer of the first petitioner Corporation, within eight weeks from today.

6. This revision is accordingly disposed of. Rule is discharged with no order as to costs. Subject to the above direction ad interim stay is vacated.

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